IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9816 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL RANJANBEN MAHESHKUMAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR AM PAREKH

MR AG JOSHI for Petitioner No. 1

MR DN PATEL Sr. Central Govt.

Counsel for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 19/10/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel Sr. Central Govt. Standing Counsel appears on behalf of the respondent and waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to

the respondent authority to issue a new passport to the petitioner.

3. Heard the learned counsel for the parties. The petitioner has already moved an application on 13-10-2001 before the respondent for issuance of a new passport to the petitioner. But the respondent has not entertained and decided the application of the petitioner saying that it has no power or authority to issue new passport as prayed for by the petitioner unless and until some order is passed by the competent Court of Law in this respect.

4. In the facts and circumstances of this case and considering the submissions made by the learned counsel for the parties as well as material on record, this petition is being disposed of with a direction to the respondent to consider and decide the petitioner's application for issuance of a new passport to the petitioner in accordance with law and on the basis of the material produced by the petitioner on record, as far as possible within a period of one month from the date of receipt of writ of this Court or certified copy of this order whichever is earlier, after holding necessary inquiry. The respondent authority would be will be at liberty to pass appropriate order with regard to the costs of the proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

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/JVSatwara/